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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,501	08/01/2001	Hubert Helaine	Q65593	3234
23373 7590 10/17/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TORRES, MARCOS L	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/918,501

Applicant(s)

HELAINE ET AL.

Examiner

Marcos L. Torres

Art Unit

2617.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 9-12-2007 have been fully considered but they are not persuasive.
2. Regarding applicant representative (hereinafter applicant) argument that Shah fails to show a correspondence memory of a first network to a second network connected to a private base station; in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The primary reference Buhrmann shows a second network connected to a private station using service codes as previously stated in the office action, and combining Buhrmann with Shah will create a private base station with correspondence memory between networks as previously stated in the office action.
3. As to applicant representative second argument, the previous detailed action mailed 7-16-2007 shows specific portion were the combination of Buhrmann showing a private base station using service codes and Shah showing correspondence memory between base stations create a private base station with correspondence memory between networks as previously stated in the office action. Regarding applicant argument that there is not motivation to combine the references, both references are directed to providing services in between networks using service codes. Therefore the references are analogous and properly combinable with totally predictable results to one

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of the ordinary skill in the art, since the service codes are not affected if the base station is public or private.

4. The combination set by the applicant of Buhrmann and Shah, the applicant alleges that one of the ordinary skill in the art would only use the correspondence memory between public base station and not in the private base station; one of the ordinary skill in the art would easily recognize that since the private base station is also using services codes, the correspondence memory would work the same way in the private station (all assumed differences between private and public base station previously mentioned by the applicant, none have to be with the functioning of the service codes) with the totally predictable results to one of the ordinary skill in the art of translating one service code to another. Thereby, permitting the use of the service codes in all the base station used in Buhrmann, and simplifying the learning of service codes to the user.

5. As to applicant third argument, applicant repeats the same argument that the combination of Buhrmann and Shah fail to shows a correspondence memory of a first network to a second network connected to a private base station, because Shah only shows public base stations, please see previous paragraphs.

6. Regarding applicant argument that the applicant disagrees with ground of rejections and submits that the examiner's reasoning is misplaced and diverges from the requirement of 35 U.S.C. 103; it seems that applicant is referring to the response of the argument rather to the ground of rejection that can be found in page 4 of the previous office action. Applicant is suggesting that the private base station and public

base station have some many differences that one of the ordinary skill in the art would not have think of using the service code translation, however all the differences shown by the applicant have nothing to do with functioning of service codes; examiner is pointing out that the argument would be more persuasive if he can show how the difference between a public and private base station affect the service codes that would prevent one of the ordinary skills in the art to combine the above references.

7. Regarding applicant argument that the examiner has to answer the substance of the arguments, the previous office action answers the substance of the arguments in par. 4-6.

8. As to applicant fourth argument, Applicant is suggesting that the private base station and public base station have some many differences that one of the ordinary skill in the art would not have think of using the service code translation, however are the differences shown by the applicant have nothing to do with functioning of service codes; thereby the functioning of service codes between private and public base station is not fundamentally different. The applicant is invited to please show how the functioning of the service codes change that would prevent one of the ordinary skills in the art to combine the above references. Also, applicant repeats the same argument that the combination of Buhrmann and Shah fail to shows a correspondence memory of a first network to a second network connected to a private base station, because Shah only shows public base stations, please see previous paragraphs.

9. As to applicant fifth argument, it seems that applicant is referring to the response of the argument rather to the ground of rejection that can be found in page 4 of the

previous office action. The previous examiner response was directed to the difference alleged by the applicant and is not relied for the grounds of rejections. The examiner used an analogy that would be simple to one of the ordinary skill in the art, and was used to refute the applicant statement directed to the difference between public and private base station. However, to help the applicant to understand the analogy a continuation here is definitions of the different public base station in Wikipedia: A Picocell is wireless communication system typically covering a small area, such as in building (offices, shopping malls, train stations, etc.), or more recently in-aircraft. A picocell is analogous to a WiFi Access Point. A microcell is a cell in a mobile phone network served by a low power cellular base station (tower), covering a limited area such as a mall, a hotel, or a transportation hub. A microcell is usually larger than a picocell, though the distinction is not always clear. Finally, Buhrmann disclose a private base station (see title).

10. Regarding applicant sixth argument that the examiner has to answer the substance of the arguments, the previous office action answers the substance of all the arguments in par. 4-6 which in a nutshell are directed to the combination of both reference does not teach all limitations because Shah does not show a private base station, although Buhrmann does.

11. Regarding applicant seven argument, that Shah provides no teaching or suggestion regarding moving between different types of base stations, this limitation is taught by Buhrmann in the abstract and also please see previous rejections. Also, applicant repeats the same argument that the combination of Buhrmann and Shah fail

to shows a correspondence memory of a first network to a second network connected to a private base station, because Shah only shows public base stations, please see previous paragraphs.

12. The rest of the argument they fall together for the same reasons shown above. The current rejection in record stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
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